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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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STEPHEN LAForge and BUNNY
LAForge,

Plaintiffs,

v.

RICHLAND HOLDINGS, INC. d/b/a
ACCOUNT CORP OF SOUTHERN
NEVADA; RC WILLEY FINANCIAL
SERVICES; RANDALL CORPORATION
d/b/a BOWEN LAW SERVICES; and CALEB
J. LANGSDALE, ESQ. d/b/a LANGSDALE
LAW FIRM, P.C.,

Defendants.

Case No. 2:17-cv-00782-APG-VCF

**ORDER DENYING PLAINTIFFS'
EMERGENCY MOTION FOR
CLARIFICATION**

(ECF No. 58)

13 Plaintiffs Stephen and Bunny Laforge filed an emergency motion for clarification of my
14 prior order granting the defendants' motion to dismiss. The emergency motion violates Local
15 Rule 7-4(a), which requires counsel to meet and confer to resolve the dispute before filing a
16 motion. The plaintiffs' counsel tries to excuse his failure to confer with the opposing counsel by
17 claiming that parties cannot stipulate to clarify an Order. ECF No. 58 at 3. But a conference often
18 can narrow the issues in dispute. The plaintiffs' counsel also does not satisfactorily explain why
19 the motion had to be filed on an emergency basis and without notifying opposing counsel.
20 Counsel lists a series of unfortunate events (a scorpion bite, lingering effects of an October
21 concussion, disagreements in his office about how to respond) that contributed to the delay. ECF
22 No. 58 at 2-3. But counsel had sufficient time to draft a 24-page motion. So he had sufficient
23 time to confer with opposing counsel, request an extension of the filing deadline, or prepare the
24 amended complaint. *See* Local Rule 7-4(b) ("A party or attorney's failure to effectively manage
25 deadlines . . . or any other aspect of litigation does not constitute an emergency. This rule's
26 provisions are not intended for requests for procedural relief, e.g., a motion to extend time to file
27 a brief . . .").
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1 By filing the emergency motion, the plaintiffs have granted themselves an extension of the
2 deadline set in my order. I strongly disfavor such tactics. And this is not the first time I have
3 recently addressed plaintiffs' counsel's violation of the Local Rules. I therefore deny the
4 plaintiffs' emergency motion for clarification, without prejudice. But if I deny the plaintiffs the
5 ability to file an amended complaint, their claims would not be considered on their merits, which
6 is not favored. Instead, I will extend the filing deadline. The parties shall meet and confer about
7 the claims the plaintiffs believe they can assert in their amended complaint. The parties will then
8 file a stipulation as to what they agree to, or the plaintiffs will file a motion seeking clarification
9 of the issues on which the parties cannot agree.

10 IT IS THEREFORE ORDERED that the plaintiffs' motion for clarification (**ECF No. 58**)
11 **is DENIED without prejudice.** The parties will meet and confer about the claims the plaintiffs
12 believe they can assert in their amended complaint. By **March 9, 2018**, either the parties will file
13 a stipulation as to what they agree to, or the plaintiffs will file a motion seeking clarification of
14 the issues on which the parties cannot agree. The plaintiffs' motion, if filed, shall include a
15 proposed amended complaint.

16 DATED this 20th day of February, 2018.

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19 ANDREW P. GORDON
20 UNITED STATES DISTRICT JUDGE
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